UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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OFFICE OF
ECOSYSTEMS,
TRIBAL AND PUBLIC
AFFAIRS

November 24, 2014

John Evans, Environmental Coordinator
72510 Coyote Road
Pendleton, OR 97801

Re: U.S. Environmental Protection Agency comments on the Kahler Dry Forest Restoration Project Draft Environmental Impact Statement (EPA Project Number 14-0056-AFS).

Dear Mr Evans:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the proposed Kahler Dry Forest Restoration Project (Project) on the Heppner Ranger District of the Umatilla National Forest. Our review was conducted in accordance with EPA responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act (CAA).

The DEIS analyzes the Forest Service's proposal to restore dry upland forest conditions in an area that has been converted from historic (pre-European settlement) characteristics. Two action alternatives and a no action alternative are analyzed. Alternative 2 has been identified as the preferred alternative. Proposed treatments under the preferred alternative would include a combination of commercial and noncommercial vegetation treatments on approximately 12,000 acres (including 682 acres of Class 4 Riparian Habitat Conservation Areas), and prescribed fire on 31,000 acres. Connected actions would include the construction of 0.3 miles of new road, and 10 miles of temporary road. At the conclusion of the project, 16.9 miles of roads and trails would be closed, and 5.6 miles of road would be decommissioned.

The EPA is supportive of the overarching goals and objectives of the proposed project, and we appreciate the collaborative approach taken by the Forest in designing the Kahler project. We find the science compelling and believe there is an immediate need to move dry forest systems toward a more ecologically resilient future, particularly in light of the risk of uncharacteristic wildfire, insect outbreak and climate change. Overall, we find that the treatments proposed under Alternative 2 align well with the broad body of science emerging about dry and moist mixed conifer forests[1].

Our review of the DEIS has identified some questions and concerns that we recommend be addressed in the final EIS. These concerns relate principally to the level of detail within the DEIS on treatments proposed within the Riparian Habitat Conservation Areas (RHCAs) and the role of monitoring in project implementation.

[1] http://www.fs.fed.us/pnw/pubs/pnw_gtr897.pdf

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Equipment Exclusion in RHCAs

Table 2-2 provides a skid trail location key (that is heavy equipment exclusion zones or buffers). This table conveys important information for the decision maker and ultimately the sale administrator. The table itself, however, could be reformatted for clarity. It is not entirely clear what criteria are driving the "yes/no" designations in columns 2 and 4. For example, at the top of the table it appears that if the first 100 feet from the stream edge is anything other than 0-20% slope, there can be no ground disturbance except fire. In the following section of the table, it appears that if the first 75 feet from the stream edge is 21% to 40% slope, skid trails can be placed outside that zone if the slope outside of 75 feet is less than 35%. These messages seem to be incongruent. We recommend that Table 2-2 be revised for clarity in the FEIS. In general, the EPA supports locating skid trails beyond 100 feet from the stream edge.

RHCA Prescriptions

Chapter 2 (page 9) includes a brief description of proposed activities within RHCAs, however it is not clear from the description provided what specific actions are proposed within the RHCAs. In Chapter 3 (page 32) the reader is directed to page 9 of the Forest Vegetation Report for information about treatments that would have a direct effect on riparian areas. It would be helpful if the FEIS would identify for the reviewer where to find the Forest Vegetation Report. It is not clear from the text in Chapter 3 whether this report is available in the appendices, and the Table of Contents does not include a list of the appendices. We were able to locate the Forest Vegetation Report in Appendix L. We also note, however, that page 9 of the Forest Vegetation Report does not provide detail related to treatments that would have a direct effect on riparian areas. In the Final EIS, we recommend that the DEIS (in Chapter 2) discuss the proposed riparian treatments in more detail. We recommend that this discussion bring forward the detail included in Table 125 of Forest Vegetation Report, as well as detail related to how variable density thinning will be applied within the riparian zone (i.e. what criteria will be used to establish skips and gaps; what is the expected range of residual basal area in thinned RHCAs; and what is the minimum "no-mechanical-equipment zone." Other EIS's that have proposed management in riparian areas have included a matrix describing vegetation treatment by unit and RHCA class (see the FEIS for the Wolf Vegetation and Fuels Management Project on the Ochoco National Forest at http://data.ecosystem-management.org/nepaweb/nepa_project_exp.php?project=41946). We recognize that the Kahler project is not proposing activities within Class 1, 2, or 3 RHCAs. Nevertheless, we believe this could be a helpful tool to convey information to reviewers and decision-makers about proposed treatments in the RHCA.

Monitoring

Chapter 2 describes implementation and/or BMP compliance monitoring activities related to mechanical treatment within riparian areas and silvicultural marking (WQ21, VG1). Chapter 2 does not, however, lay out a framework for a broader monitoring program. This project represents one of a handful of projects that are experimenting with active management within class IV RHCAs, as well as with different methodologies for establishing skips and gaps (the variable density approach[2] and the individual, clumps, and openings (ICO) approach[3]. We believe the Kahler project provides an

[2] Franklin, J.F., Mitchell, R.J.; Palik, B.J. 2007. Natural disturbance and stand development principles for ecological forestry. Gen Tech. Rep. NRS-19. Newtown Square, PA: USDA Forest Service, Northern Research Station. 44 p. http://www.treesearch.fs.fed.us/pubs/13293

[3] Churchill, D.J.; Larson, A.J.; Dahlgreen, M.C.; Franklin, J.F. 2013. The ICO approach to quantifying and restoring forest spatial pattern: Implementation guide. Version 2.0. Vashon, WA: Stewardship Forestry. 36 p.

opportunity for interdisciplinary and interagency learning. We encourage the Forest to frame these activities in the context of adaptive management. We support the use of multi-party monitoring and encourage the Forest, in concert with the Umatilla Forest Collaborative Group, to develop a multi-party monitoring protocol to measure the outcomes of alternative management approaches within the RHCAs. We believe the projects undertaken by the collaborative present an opportunity to evaluate the effectiveness of various restoration prescriptions in dry forest habitats.

Based on our review, we are rating the DEIS as EC-1 (Environmental Concerns - Adequate). An explanation of this rating is attached. We appreciate the opportunity to review and comment on the DEIS, and we look forward to furthering our understanding of this and other projects that develop through the collaborative efforts of the Umatilla Forest Collaborative Group. If you have any questions about our review, please contact me at (206) 553-1601, or by electronic mail at reichgott.christine@epa.gov, or you may contact Teresa Kubo of my staff at 503-326-2859 or by electronic mail at kubo.teresa@epa.gov .

Sincerely,

Christine B. Reichgott, Manager
Environmental Review and Sediment Management Unit

Enclosure:
1. U.S. EPA Rating System

U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action*

Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public

comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.